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8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. *2013-594*

12 **CARMELITA EVANGELISTA CONCEPCION**  
13 **aka CARMELITA E. CONCEPCION**  
14 **1415 Marchmont Avenue**  
**Hacienda Heights, CA 91745**

**A C C U S A T I O N**

15 **Registered Nurse License No. 644055**

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Registered Nursing (Board),  
21 Department of Consumer Affairs.

22 2. On or about September 1, 2004, the Board issued Registered Nurse License Number  
23 644055 to Carmelita Evangelista Concepcion, aka Carmelita E. Concepcion (Respondent). The  
24 Registered Nurse License was in full force and effect at all times relevant to the charges brought  
25 herein and will expire on February 28, 2014, unless renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Board under the authority of the following  
3 laws. All section references are to the Business and Professions Code unless otherwise indicated.

4 **STATUTORY PROVISIONS**

5 4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline  
6 any licensee, including a licensee holding a temporary or an inactive license, for any reason  
7 provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

8 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license  
9 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the  
10 licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the  
11 Code, the Board may renew an expired license at any time within eight years after the expiration.

12 6. Section 2761 of the Code states:

13 "The board may take disciplinary action against a certified or licensed nurse or deny an  
14 application for a certificate or license for any of the following:

15 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

16 "(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing  
17 functions."

18 **REGULATORY PROVISIONS**

19 7. California Code of Regulations, title 16, section 1442, states:

20 "As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from  
21 the standard of care which, under similar circumstances, would have ordinarily been exercised by  
22 a competent registered nurse. Such an extreme departure means the repeated failure to provide  
23 nursing care as required or failure to provide care or to exercise ordinary precaution in a single  
24 situation which the nurse knew, or should have known, could have jeopardized the client's health  
25 or life."

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1        8. California Code of Regulations, title 16, section 1443, states:

2        "As used in Section 2761 of the code, 'incompetence' means the lack of possession of or the  
3 failure to exercise that degree of learning, skill, care and experience ordinarily possessed and  
4 exercised by a competent registered nurse as described in Section 1443.5."

5        9. California Code of Regulations, title 16, section 1443.5 states:

6        "A registered nurse shall be considered to be competent when he/she consistently  
7 demonstrates the ability to transfer scientific knowledge from social, biological and physical  
8 sciences in applying the nursing process, as follows:

9        "(1) Formulates a nursing diagnosis through observation of the client's physical condition  
10 and behavior, and through interpretation of information obtained from the client and others,  
11 including the health team.

12        "(2) Formulates a care plan, in collaboration with the client, which ensures that direct and  
13 indirect nursing care services provide for the client's safety, comfort, hygiene, and protection, and  
14 for disease prevention and restorative measures.

15        "(3) Performs skills essential to the kind of nursing action to be taken, explains the health  
16 treatment to the client and family and teaches the client and family how to care for the client's  
17 health needs.

18        "(4) Delegates tasks to subordinates based on the legal scopes of practice of the  
19 subordinates and on the preparation and capability needed in the tasks to be delegated, and  
20 effectively supervises nursing care being given by subordinates.

21        "(5) Evaluates the effectiveness of the care plan through observation of the client's physical  
22 condition and behavior, signs and symptoms of illness, and reactions to treatment and through  
23 communication with the client and health team members, and modifies the plan as needed.

24        "(6) Acts as the client's advocate, as circumstances require, by initiating action to improve  
25 health care or to change decisions or activities which are against the interests or wishes of the  
26 client, and by giving the client the opportunity to make informed decisions about health care  
27 before it is provided."

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1 documented the patient's condition and appearance which she observed during the incontinent  
2 care at about 0930 hours (shallow breathing, slightly bluish color to his lips, tender/bloated  
3 abdomen) on the same document entitled "DMH RN Change in Physical Status Note."

4 Respondent made no further documentation in the patient's file.

5 14. At about 1100 hours, Dr. Le ordered laboratory works to be performed.

6 15. The following are Patient D.G.'s laboratory results and vital sign readings taken by a  
7 psychiatric technician/treatment nurse:

8 a. At about 0945 hours, pulse 104, respiration 24, O2 sat. 96;

9 b. At about 1045 hours, pulse 121, respiration 28, O2 sat. 94;

10 c. At about 1145 hours, pulse 128, respiration 44. O2 sat. 95;

11 d. At about 1243 hours, white blood cell count 30.3 [lab results];

12 e. At about 1245 hours, pulse 102, respiration 26, O2 sat. 85-87%;

13 f. At about 1345 hours, pulse 132, respiration 32, O2 sat. 77%.

14 16. At about 1330 hours, Dr. Le ordered the patient to be transferred to Norwalk  
15 Community Hospital's Emergency Department.

16 17. At about 1430 hours, Patient D.G. was transported to Norwalk Community Hospital  
17 for abdominal pain and respiratory distress.

18 18. At about 2314 hours, Patient D.G. expired due to respiratory failure secondary to  
19 hypotension/sepsis after intubation.

20 **FIRST CAUSE FOR DISCIPLINE**

21 **(Gross Negligence)**

22 19. Respondent is subject to disciplinary action under Code section 2761, subdivision  
23 (a)(1), in conjunction with California Code of Regulations, title 16, section 1442, in that on or  
24 about January 29, 2010, she committed gross negligence in her care of Patient D.G. Complainant  
25 refers to and incorporates all the allegations contained in paragraphs 11 – 18, as though set forth  
26 fully, and as follows:

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1 a. Prior to leaving for her break at about 1000 hours, Respondent failed to report Patient  
2 D.G.'s change in condition and critical vital signs to the nurse who took over the care of the  
3 patient during Respondent's absence.

4 b. Respondent failed to timely document the key clinical data she had observed,  
5 measured and assessed of Patient D.G. in the medical file. Respondent's documentation of the  
6 patient's vital signs and condition occurred more than two hours after she collected the  
7 information.

8 c. Respondent failed to report the key clinical data she had observed, measured and  
9 assessed of Patient D.G. to her shift lead or the Health Services Specialist or other supervisory  
10 clinicians.

11 d. Respondent failed to reassess the patient to see if the patient's vital signs, abdomen,  
12 oxygen saturation and skin color had improved in response to the administration of 2 liters of  
13 oxygen via nasal cannula.

14 **SECOND CAUSE FOR DISCIPLINE**

15 **(Incompetence)**

16 20. Respondent is subject to disciplinary action under Code section 2761, subdivision  
17 (a)(1), in conjunction with California Code of Regulations, title 16, section 1443, in that on or  
18 about January 29, 2010, she demonstrated incompetence in her care of Patient D.G. Complainant  
19 refers to and incorporates all the allegations contained in paragraphs 11 – 19, as though set forth  
20 fully.

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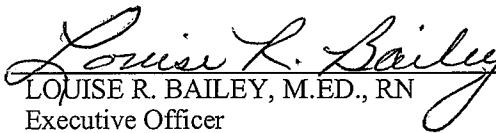
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**PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 644055, issued to Carmelita Evangelista Concepcion, aka Carmelita E. Concepcion ;
2. Ordering Carmelita Evangelista Concepcion, aka Carmelita E. Concepcion to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: JANUARY 31, 2013

  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

LA2012507704